

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC,
(PETRO),

Plaintiff,

v.

ISLAND PROJECT AND OPERATING
SERVICES, LLC, (IPOS), VITOL HOLDING
CO., VITOL VI AND ANDREW CANNING,

Defendants.

CASE NO. 1:21-cv-

JURY TRIAL DEMANDED

Removed from the Superior Court of
the Virgin Islands, Civil No. SX-21-CV-00700

NOTICE OF CONSENT TO REMOVAL

COMES NOW Defendant Island Project and Operating Services, LLC (“IPOS”), through its undersigned counsel, and hereby gives notice that it consents to the removal of this action, which was originally filed in the Superior Court of the Virgin Islands, Division of St. Croix, and assigned Docket Number SX-2021-CV-00700, to the District Court of the Virgin Islands, Division of St. Croix. IPOS authorizes this Notice of Consent to Removal to be filed with the Notice of Removal, without prejudice to, and specifically preserving, all defenses including but not limited to defenses based upon failure of process or insufficient service of process.¹

¹ On or about October 18, 2021, Plaintiff purported to serve IPOS by delivering the Complaint and a Summons (attached hereto as **Exhibit F-1**) addressed to “David Smith, owner of Island Project and Operating Services LLC” to another individual at the IPOS facility in St. Thomas. Mr. Smith is not the “owner” of IPOS. Instead, as recited in paragraph 10 of the Notice of Removal, IPOS is owned by its sole member, which is VTTI Terminal Support Services B.V. As set forth in the Notice of Removal, VTTI Terminal Support Services B.V. is organized under the laws of the Netherlands and maintains its principal place of business in the Netherlands.

**EXHIBIT
F**

Petro Industrial Solutions LLC v. IPOS et al.

Notice of Consent to Removal

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Respectfully Submitted,

Ogletree Deakins Nash, Smoak & Stewart, LLC
Attorneys for Island Project and Operating Services, LLC

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IN THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

FILED

September 28, 2021 03:01 PM

SX-2021-CV-00700

TAMARA CHARLES
CLERK OF THE COURT
CLERK OF THE COURT

(CIVIL ACTION - ORIGINAL)

SUMMONS

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC
(PETRO),

Plaintiff,

v.

ISLAND PROJECT AND OPERATING
SERVICES, LLC (IPOS), VITOL
HOLDING, CO., VITOL VI and
ANDREW CANNING,

Defendants.

CIVIL NO. SX-2021-CV-700

BREACH OF CONTRACT

JURY TRIAL DEMANDED

TO: David Smith owner of Island Project and Operating Services, LLC (IPOS)
ADDRESS: Randolph Harley Power Plant, Krum Bay, St. Thomas, VI 00802

Within the time limited by law (see note below) you are hereby required to appear before this Court and answer to a complaint filed against you in this action and in case of your failure to appear or answer, judgment by default will be taken against you as demanded in the complaint for damages.

Witness my hand and the Seal of the Court this 28th day of September, 2021.

/s/ Lee J. Rohn

Lee J. Rohn, Esquire

VI Bar No. 52

Lee J. Rohn and Associates, LLC

1108 King Street, Suite 3 (mailing)

56 King Street, Third Floor (physical)

Christiansted, VI 00820

Telephone: (340) 778-8855

Facsimile: (340) 773-2954

Ms. Tamara Charles,
Clerk of the Court

By: [Signature]
Court Clerk & Supervisor

Note: The defendant, if served personally, is required to file his answer or other defense with the Clerk of this Court, and to serve a copy thereof upon the plaintiff's attorney within twenty (20) days after service of this summons, excluding the date of service. The defendant, if served by publication or by personal service outside the jurisdiction, is required to file his answer or other defense with the Clerk of this Court, and to serve a copy thereof upon the attorney for the plaintiff within thirty (30) days after the completion of the period of publication or personal service outside of the jurisdiction.